



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa2061/5  
DAK:jlj:kjf

**SENATE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 806**

March 29, 2000 - Offered by Senator JAUCH.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 7, line 21: delete that line and substitute "of any person, entity,  
3 municipality or other political subdivision to sue for damages".

4 **2.** Page 7, line 25: after that line insert:

5 "SECTION 10b. 254.154 of the statutes, as affected by 1999 Wisconsin Act ....  
6 (this act), is amended to read:

7 **254.154 Local authority.** This subchapter does not prohibit any city, village,  
8 town or other political subdivision from enacting and enforcing ordinances  
9 establishing a system of lead poisoning or lead exposure control that provides the  
10 same or higher standards than those set forth in this subchapter. Nothing in this  
11 subchapter other than s. 254.173 (2) and ~~(3)~~ may be interpreted or applied in any  
12 manner to impair the right of any person, entity, municipality or other political  
13 subdivision to sue for damages or equitable relief. Nothing in this subchapter may

1 be interpreted or applied in any manner to impair the right of a municipality or other  
2 political subdivision to impose a penalty for or restrain the violation of an ordinance  
3 specified in this section.

4 **SECTION 10c.** 254.154 of the statutes, as affected by 1999 Wisconsin Act .... (this  
5 act), section 10b, is repealed and recreated to read:

6 **254.154 Local authority.** This subchapter does not prohibit any city, village,  
7 town or other political subdivision from enacting and enforcing ordinances  
8 establishing a system of lead poisoning or lead exposure control that provides the  
9 same or higher standards than those set forth in this subchapter. Nothing in this  
10 subchapter may be interpreted or applied in any manner to impair the right of any  
11 person, entity, municipality or other political subdivision to sue for damages or  
12 equitable relief. Nothing in this subchapter may be interpreted or applied in any  
13 manner to impair the right of a municipality or other political subdivision to impose  
14 a penalty for or restrain the violation of an ordinance specified in this section.”.

15 **3.** Page 13, line 20: delete “30” and substitute “60”.

16 **4.** Page 13, line 23: delete the material beginning with that line and ending  
17 with page 14, line 9, and substitute:

18 “(b) Immunity under par. (a) applies only if all of the following occur:”.

19 **5.** Page 14, line 14: delete “90-day” and substitute “60-day”.

20 **6.** Page 14, line 16: after that line insert:

21 “(c) Immunity does not apply under this subsection if, during the 60-day period  
22 under par. (a), one of the following applies:

23 1. The owner receives an order under s. 254.166 (2) (d) and fails to comply with  
24 the order.

1           2. The dwelling or unit is vacant and the owner fails to comply with interim lead  
2 hazard control measures specified by the department by rule.

3           **SECTION 23c.** 254.173 (title), (1) and (2) of the statutes, as created by 1999  
4 Wisconsin Act .... (this act), are repealed.

5           **SECTION 23d.** 254.173 (3) of the statutes, as created by 1999 Wisconsin Act ....  
6 (this act), is repealed.”.

7           **7.** Page 17, line 2: after that line insert:

8           “(f) The interim lead hazard control measures under s. 254.173 (3) (c) 2.”.

9           **8.** Page 21, line 15: after that line insert:

10          “(9c) REPORTS ON LEAD HAZARD REDUCTION ACTIVITIES.

11          (a) By each of the dates March 1, 2002, 2003 and 2004, the department of health  
12 and family services shall prepare and submit to the governor and to the legislature  
13 in the manner provided under section 13.172 (3) of the statutes a report describing  
14 activities related to reducing lead-bearing paint hazards in residential property  
15 under subchapter II of chapter 254 of the statutes, as affected by this act, in the  
16 previous calendar year. Each report shall include a summary of the number of  
17 dwellings or units of dwellings that have received a certificate of lead-free or  
18 lead-safe status, the percentage of all dwellings and units constructed before 1978  
19 that this number represents, the incidence of lead poisoning or lead exposure in  
20 children, the number of children who reside in property that is certified as lead-free  
21 or lead-safe and either have lead poisoning or lead exposure, the number of persons  
22 certified to perform lead hazard reduction or lead management activities under  
23 section 254.176 of the statutes, as affected by this act, and the number of persons who

1 have completed a course and been certified under section 254.179 (1) (e) of the  
2 statutes, as affected by this act.

3 (b) By March 1, 2005, the department of health and family services shall  
4 prepare and submit to the governor and to the legislature in the manner provided  
5 under section 13.172 (3) of the statutes a report evaluating the successes or failures  
6 of this act and rules promulgated under this act in reducing the incidence of lead  
7 poisoning or lead exposure in children. The report shall include any statutory  
8 changes that the department feels are needed to further the goal of reducing the  
9 incidence of lead poisoning or lead exposure in children.”.

10 **9.** Page 22, line 8: delete “treatment” and substitute “creation”.

11 **10.** Page 22, line 12: delete lines 12 and 13 and substitute “(1c) The treatment  
12 of sections 254.11 (8d), 254.154 (by SECTION 10), 254.166 (2) (c) and (e), 254.172 and  
13 901.055 of the statutes, the creation of sections 254.166 (2) (c) 2. and 3. and 254.173”.

14 **11.** Page 22, line 15: after that line insert:

15 “(2) The repeal of section 254.173 (3) of the statutes and the amendment of  
16 section 254.154 (by SECTION 10b) of the statutes take effect on the first day of the 64th  
17 month beginning after publication.

18 (3) The repeal of section 254.173 (title), (1) and (2) of the statutes and the repeal  
19 and recreation of section 254.154 of the statutes take effect on the first day of the  
20 100th month beginning after publication.”.

21 (END)